

Application. No. 10/623,089  
Amendment dated January 5, 2005  
Reply to Office Action of October 8, 2004

#### REMARKS/ARGUMENTS

Applicant hereby affirms the verbal election, with traverse, of the claims of Group 1 (claims 19 - 36) made telephonically by Mark Levy, Attorney for Applicant on September 20, 2004.

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks. The non-elected claims 1 - 18 and 45 - 52 were cancelled in the Preliminary Amendment filed July 18, 2004. Claims 19 - 36 are hereby cancelled without prejudice. Therefore, claims 1 - 52 have been cancelled. Claims 53 - 64 have been added and remain in the case.

The present invention features a method of training a user to become an expert in identifying an object in an image or scene, by querying a computer system using a special programming language adapted to describe objects in images. The computer system has a lexicon of photo-interpreters (i.e., a "dictionary" of words and phrases routinely used by persons who perform photo interpretation) that form the basis for the programming language. A user of the inventive system may formulate object extraction rules, as he or she becomes more expert in object recognition and extraction. The inventive method consists of providing a programming language that has information supplied by at least one expert photo analyst, and has optional extraction rules that are dependent upon that information, as well as information input provided by the user. The programming language has a vocabulary (i.e., lexicon of photo-interpreters) for facilitating descriptions of objects to be identified. Graphical results of the user's queries are interactively displayed to aid in determining whether an object has been identified by the user. In more advanced embodiments, the user can mark a feature of interest of the image and direct the computer system to generate descriptive words, phrases and rules for defining that feature of interest.

The drawings were objected to; a form PTO-948 was enclosed with the instant Office Action. Applicant notes that

the instant drawings are identical to drawings already published in issued United States Patent No. 6,724,931, the application for which is the parent of the instant divisional application. The FIGURES objected to are 4 - 6, 9, 11a, and 26, all of which are color photographs (including shades of gray) of screen shots of a computer implementation of the method of the invention. The "shading" objected to is generally part of an image. It is believed that the disclosure would be less explanatory if above-identified drawings were to be modified in accordance with PTO-948. A review of the drawings by the undersigned reveals no problem of legibility. Consequently, Applicant respectfully traverses the objection to the drawings.

The specification was objected to because of language used in the Abstract of the Disclosure. A re-written Abstract of the Disclosure is provided which overcomes the objection to the specification.

Claims 19 - 22, 24 - 26, and 31 - 36 were rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 5,793,888 for MACHINE LEARNING APPARATUS AND METHOD FOR IMAGE SEARCHING, issued August 11, 1998 to Richard L. Delanoy. DELANOY teaches a method of training a computer based object recognition system, NOT a method for training human photo-interpreters. In accordance with the DELANOY method, expert photo-interpreters refine the computer-based recognition system, exactly the OPPOSITE of Applicant's disclosed and claimed system wherein the computer system is used to train neophyte "users" (i.e., photo-interpreters). The crux of Applicant's novel system is a human interface programming language, dependent upon a computer system supporting the programming language and providing graphical feedback helping such neophyte users to structure queries and thereby learn the lexicon and practice of the photo interpretation profession.

Because claims 19 - 22, 24 - 26, and 31 - 36 have now been cancelled, their rejection under 35 U.S.C. §102(e) as anticipated by DELANOY is moot. The newly-added claims more precisely recite Applicant's novel method which is completely

different and patentably distinct from the teachings of DELANOY.

Claims 23 and 27 - 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over DELANOY in view of United States Patent No. 5,914,720 for METHOD OF USING MULTIPLE PERCEPTUAL CHANNELS TO INCREASE USER ABSORPTION OF AN N-DIMENSIONAL PRESENTATION ENVIRONMENT, issued June 22, 1999 to Creve Maples et al. MAPLES et al. teach a synthetic presentation environment which facilitates presentation of complex information. Nothing in the teaching of MAPLES et al. teaches or suggests Applicant's novel training method. It is conceivable that a presentation system such as that of MAPLES et al. might be utilized as a portion of an implementation of Applicant's method of training a user in the art of photo interpretation, but the MAPLES et al. system in and of itself has nothing whatsoever to do with Applicant's novel method, per se. As discussed hereinabove, DELANOY fails to either teach or suggest Applicant's method. Adding the teaching of MAPLES et al. thereto still falls short of modifying DELANOY to do so. The cancellation of claims 23 and 27 - 29 renders their rejection under 35 U.S.C. §103(a) over DELANOY in view of MAPLES et al. moot. As also discussed hereinabove, the newly-added claims are not suggested by DELANOY and/or MAPLES et al., either individually or in combination.

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over DELANOY in view of United States Patent No. 5,234,346 for EDUCATIONAL AND TRAINING SIMULATOR SYSTEM AND METHOD, issued August 10, 1993 to James W. Rice. RICE teaches a system for creating a virtual reality (VR) environment for larger groups of participants. Visual, auditory, olfactory, sensual and other stimulants are used to generate or reproduce a virtual experience in the RICE VR environment. No teaching in RICE describes training a user in the art of photo interpretation by providing a programming language incorporating a lexicon of a photo interpreter and useful for describing an object in an image. For at least the reasons discussed hereinabove, DELANOY fails to teach or suggest Applicant's novel training method. Adding the teaching to RICE thereto still fails to provide a combination that either

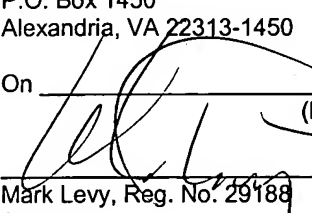
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teaches or suggests a system in accordance with Applicant's disclosure and claims. Applicant's system features a special programming language useful for describing an object in an image, Applicant's system further having the capability of providing graphical feedback to show a user the region the actually described in response to a query formulated in the novel programming language.

The cancellation of claim 30 renders its rejection moot and the newly-added claims recite no subject matter taught or suggested by DELANOY and/or RICE, singly, or in combination.

Applicant believes that claims 53 - 64 are allowable and therefore respectfully requests that claims 53 - 64 be allowed and the application passed to issue.

Respectfully submitted,  
MARK LEVY & ASSOCIATES, PLLC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
Mail Stop _____ Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
On _____  Mark Levy, Reg. No. 29188 Attorney	1/10/05 (Date of Deposit) 1/10/05 (Date)

By:   
Mark Levy  
Registration No. 29188  
Attorney for Applicant  
Press Building - Suite 902  
19 Chenango Street  
Binghamton, New York 13901  
Phone: (607) 722-6600